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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,863	08/13/2001	Gary W. Rush	P00510-US-1 (12178.0001)	7869
7590	08/12/2004		EXAMINER	
James D. Wood ICE MILLER One American Square Box 82001 Indianapolis, IN 46282-0002			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 08/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,863

Applicant(s)

RUSH ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6-9 is/are rejected.
- 7) ☐ Claim(s) 2,4,5 and 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the patent application (09/928,863) filed on August 13, 2001.

Priority

2. The patent application claims priority from domestic US Application 60/105,287 filed on October 22, 1997.

Information Disclosure Statement

3. The information disclosure statement filed 12/18/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the submitted non patent documents under indices BQ, BR, BS, CP, and CQ do not disclose publication dates. The information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C (1).

Drawings

4. The elements in Figures 1, 2A, 2C and 3 should be designated by a legend such as --customer computer-, --Application sever computer-, and --Back-Office database server computer— etc because each element of the drawing will be identifiable easily. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should

be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 12 is objected to because of the following informalities: The acronym elements RPC and ISAPI should be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1,3, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al (US Pat No 6,615,258).

The present invention relates to a system and method for end-to-end transaction processing and statusing for procurement of goods and/or services in a network based environment. Likewise, **Barry** relates to a system and method for providing data management services over the Internet. Thus, Barry discloses a comprehensive system that provides customers with simplified access to a data management relating to products and/or services provided by an enterprise. Similarly, Barry also anticipates the present claimed invention as follow.

With regard to claim 1:

Barry discloses an integrated data management system for providing one or more data management services from an enterprise (e.g. manufacturing industries, column 2, line 41) comprising over the Internet to a customer having a workstation at a customer site. Barry also discloses a system for communication, exchanging (or passing) information between the enterprise and the consumer.

The system of Barry discloses a customer interface for passing communications to and from a customer (e.g. Fig. 7, column 3, lines 42-63).

The system of Barry also discloses an application server in communication with said customer interface comprising an application level protocol for receiving customer communications from the customer interface and, in response to said customer communication, generating a message (column 13, lines 64-col 4, lines 2),

The system of Barry also discloses a client interface in communication with said application server for passing messages to and from said application server (e.g. Fig. 7, column 4, lines 3-14).

The system of Barry further discloses a remote back-office database server coupled to say client interface, the back-office database server providing access to data that is desired by the customer (column 4, lines 3-14).

With regard to claim 3:

The system of Barry further discloses that the back-office database server comprises a means for accessing data used by an enterprise resource planning program (column 7, lines 10-13, column 9, lines 23-37, column 15, lines 36-59).

With regard to claim 8:

Barry discloses a method of exchanging information in a manufacturing environment between a manufacturer and a customer (column 4, lines 20-54).

The method of Barry also discloses initiating a logical session between a customer and an application server (column 4, lines 29-38, column 8, lines 12-38, column 55, lines 45-67).

The method of Barry also discloses receiving from a customer a request for information (column 4, lines 44-49, column 18, lines 56-column 19, lines 16).

The method of Barry also discloses processing the request for information from the customer (column 4, lines 50-54, column 32, lines 11-38, column 67, lines 54-56).

The method of Barry also discloses transmitting the processed request for information to a remote back-office database server (column 4, lines 50-54, column 9, lines 38-56, column 16, lines 5-20).

The method of Barry also discloses receiving information from the back-office database server (column 9, lines 38-56, column 21, lines 25-33, column 55, lines 45-67, column 64, lines 42-50).

The method of Barry further discloses transmitting to the customer the information received (column 9, lines 38-56, column 18, lines 56-column 19, lines 16).

With regard to claim 9:

The method of Barry further discloses providing an enterprise resource planning program accessible through the remote back-office database server (column 7, lines 10-13, column 9, lines 23-37, column 15, lines 36-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (US Pat No 6,615,258) in view of Mein et al (US Pat No 6,457,066)

With regard to claim 6:

While Barry discloses TCP/IP protocol that includes an application level protocol (column 3, lines 14-21), the system of Barry does not, however, disclose that the application level protocol comprises a simple object access protocol (SOAP).

Mein relates to the field of Internet interactivity and, more particularly, to a system for accessing and invoking automation objects over the Internet. Mein discloses that the application level protocol comprises a simple object access protocol (SOAP) (Abstract, column 3, lines 2-27).

Mein and Barry are analogous art because they are from the same field of endeavor, that is user interaction over the Internet.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the simple object access protocol (SOAP) with Internet/Web-based data management system infrastructure of Barry.

The suggestion/motivation for doing so would have been to provide a richer, more interactive content across the Internet and through firewalls (Mein, column 3, lines 2-27).

Therefore, it would have been obvious to combine Mein with Barry to obtain the invention as specified in claim 6.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (US Pat No 6,615,258) in view of Mein et al (US Pat No 6,457,066) as applied to claim 6 above, and further in view of Bayeh et al (US Pat No 6,012,098).

With regard to claim 7:

While the system of Barry in view of Mein discloses messages passed to and from said application server are in the form of HTML documents, but Barry in view of Mein does not, however, disclose messages passed to and from said application server are in the form of extensible markup language (XML) documents. Bayeh relates to a client-server model computing. Bayeh further discloses XML document as specified in claim 7 (Abstract).

Bayeh, Mein and Barry are analogous art because they are from the same field of endeavor, that is interaction over the Internet.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute the HTML document of Barry in view of Mein with XML document of Bayeh.

The suggestion/motivation for doing so would have been to provide a greater flexibility in formatting and presenting data to a user (Bayeh, column 3, lines 5-28).

Therefore, it would have been obvious to combine Bayeh with Barry and Mein to obtain the invention as specified in claim 7.

Allowable Subject Matter

9. Claims 2, 4, 5, and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-

Art Unit: 2173

2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

August 8, 2004

A handwritten signature in black ink, appearing to read "Tadesse Hailu", written in a cursive style.